

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1135–S1320

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 2278–2286, and S. Res. 371–372. **Page S1175**

Measures Passed:

American Jewish History Month: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 315, urging the President to issue a proclamation for the observance of an American Jewish History Month, and the resolution was then agreed to. **Page S1320**

Caribbean-American Heritage Month: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 71, expressing the sense of Congress that there should be established a Caribbean-American Heritage Month, and the resolution was then agreed to. **Page S1320**

Fairness in Asbestos Injury Resolution Act: Senate continued consideration of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure. **Pages S1140–69**

Pending:

Frist Motion to reconsider the vote by which the motion to waive (listed below) was rejected. **Page S1169**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 41 nays (Vote No. 21), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the Specter motion to waive section 407, limitation on long-term spending proposals, of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, with respect to the bill and Frist (for Specter/Leahy) Amendment No. 2746 (listed above). Subsequently, the Ensign point of order against the bill is sustained, pursuant to section 312(f) of the Congressional Budget Act, the bill is recommitted to the Committee on the Judiciary; provided further, that the vote on the motion to invoke cloture on Frist (for Specter/Leahy) Amendment No. 2746, and the

vote on the motion to invoke cloture on the bill were vitiated. **Pages S1168–69**

USA PATRIOT Act Additional Reauthorizing Amendments Act—Cloture Motion: Senate began consideration of the motion to proceed to consideration of S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services. **Pages S1169–70**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, February 16, 2006. **Page S1169**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10 a.m., on Wednesday, February 15, 2006. **Page S1320**

Tax Relief Extension Reconciliation Act—Motions To Instruct Conferees: Senate completed consideration of the message of the House of Representatives to accompany H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, after taking action on the following motions to instruct conferees proposed thereto: **Pages S1135–40**

Adopted:

By 53 yeas to 47 nays (Vote No. 16), Grassley Motion to Instruct Conferees to insist that the final conference report include the “hold-harmless” relief from the individual alternative minimum tax in 2006 (sections 106 and 107 of the amendment passed by the Senate) to protect middle class families and includes an extension of lower tax rates on capital gains and dividends (based on section 203 of the bill passed by the House of Representatives) to protect tax cuts for middle class families. **Page S1137**

DeWine Motion to Instruct Conferees to insist that the final conference report accept the veterans’ mortgage bonds expansion provisions contained in

section 303 of the bill as passed by the House of Representatives with such revisions as are necessary to provide veterans in all 50 States with access to lower-rate mortgages. **Page S1138**

Wyden Motion to Instruct Conferees to insist that the final conference report include a provision that repeals accelerated depreciation for geologic and geophysical costs for oil and gas exploration by the 5 major oil companies. **Page S1138**

Grassley (for Talent/Snow/Lincoln) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003. **Page S1138**

By 75 yeas to 25 nays (Vote No. 19), Grassley (for Hutchison) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the election to deduct State and local general sales taxes (based on section 105 of the amendment passed by the Senate). **Page S1139**

Rejected:

By 47 yeas to 53 nays (Vote No. 17), Kennedy Motion to Instruct Conferees to reject the extension of the capital gains and dividends rate reduction contained in section 203 of the bill as passed by the House of Representatives. **Page S1137**

By 45 yeas to 55 nays (Vote No. 18), Reed Motion to Instruct Conferees to insist that the final conference report include funding to strengthen America's military contained in title VI of the Senate amendment instead of any extension of the tax cuts for capital gains and dividends, which does not expire until 2009, contained in section 203 of the bill as passed by the House of Representatives. **Page S1138**

By 46 yeas to 54 nays (Vote No. 20), Lautenberg Motion to Instruct Conferees to insist that the final conference report does not increase the national debt of the United States. **Page S1139**

Withdrawn:

Obama Motion to Instruct Conferees to insist that the final conference report include tax relief for the most vulnerable members of our society, including the low-income victims of Hurricane Katrina and children in families that are too poor to benefit fully from the refundable child tax credit. **Pages S1136, S1138**

Hatch Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities (based on section 108 of the amendment passed by the Senate), in order to improve American competitiveness. **Pages S1136, S1138**

Reid (for Menendez) Motion to Instruct Conferees to insist that the final conference report include the Senate passed "hold-harmless" relief from the individual alternative minimum tax (AMT) in 2006, and does not include the extension of lower tax rates on capital gains and dividends. **Pages S1136, S1138**

Stabenow Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities, and to reject any extension of the tax rate for capital gains and dividends which does not expire until 2009. **Pages S1136, S1138**

Grassley (for Lott) Motion to Instruct Conferees to insist that the final conference report include the repeal of the individual alternative minimum tax (based on sections 106 and 107 of the amendment passed by the Senate). **Pages S1136, S1138**

Grassley (for Santorum) Motion to Instruct Conferees to insist that the final conference report include a permanent extension of the above-the-line deduction for tuition and fees (based on section 103 of the amendment passed by the Senate). **Pages S1136, S1138**

Grassley Motion to Instruct Conferees to insist that the final conference report ensure that in 2009 and 2010, the international competitiveness of the United States in attracting capital investment, and therefore job creation, is not weakened further by a higher combined corporate and individual income tax rate on corporate and capital income as a result of a higher dividend tax rate. **Pages S1136, S1138**

Schumer Motion to Instruct Conferees to insist that the final conference report include the Senate-passed provision to extend the above-the-line deduction for tuition and fees through December 31, 2009 (section 103), before it includes the House-passed extension of lower tax rates on capital gains and dividends (section 203), given budget constraints, noting that a conference report which maintains the tuition deduction will provide needed tax relief to more than 4,000,000 American families each year that are struggling to keep pace with rising tuition costs. **Pages S1136, S1138**

The Chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Kyl, and Baucus. **Page S1139**

Message From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report prepared by the National Science Board entitled "Science and Engineering Indicators—2006"; which was referred to the Committee on Commerce, Science, and Transportation. (PM—40) **Page S1173**

Nominations Received: Senate received the following nominations:

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

Jerome A. Holmes, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit.

Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.

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Executive Communications: **Pages S1173–75**

Additional Cosponsors: **Pages S1175–76**

Statements on Introduced Bills/Resolutions: **Pages S1176–80**

Additional Statements: **Pages S1172–73**

Amendments Submitted: **Pages S1180–S1319**

Notices of Hearings/Meetings: **Page S1319**

Authorities for Committees to Meet: **Pages S1319–20**

Record Votes: Six record votes were taken today. (Total—21) **Pages S1137, S1138, S1139, S1168–69**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:19 p.m., until 9:30 a.m., on Wednesday, February 15, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1320.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the defense authorization request for fiscal year 2007 and the future years defense program, after receiving testimony from Frances J. Harvey, Secretary, and General Peter J. Schoomaker, USA, Chief of Staff, both of the United States Army; and Lieutenant General H. Steven Blum, Chief of the National Guard Bureau.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Randall S. Kroszner, of New Jersey, and Kevin M. Warsh, of New York, who was introduced by Senator Schumer, each to be a Member of the Board of Governors of the Federal Reserve System, and Edward P. Lazear, of California, to be a Member of the Council of Economic Advisers, after

the nominees testified and answered questions in their own behalf.

BROADBAND

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine issues of municipal broadband and the role of Federal, State and local government in the digital world, after receiving testimony from Robert K. Sahr, South Dakota Public Utilities Commission, Pierre; Dianne Munns, Iowa Utilities Board, on behalf of the National Association of Regulatory Utility Commissioners, and John R. Perkins, National Association of State Utility Consumer Advocates, both of Des Moines, Iowa; Michael F. Altschul, CTIA—The Wireless Association, and Donald B. Berryman, Earthlink, Inc., both of Washington, D.C.; Douglas A. Boone, Premier Communications, Sioux City, Iowa; and Dianah L. Neff, Philadelphia Chief Information Officer, Philadelphia, Pennsylvania.

CANADIAN SOFTWOOD LUMBER

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine the economic impacts of the Canadian softwood lumber dispute on U.S. industries, focusing on the Administration's efforts to negotiate a settlement to the long-standing trade dispute regarding softwood lumber from Canada, after receiving testimony from Franklin L. Lavin, Under Secretary of Commerce for International Trade; Susan Schwab, Deputy United States Trade Representative, Office of the United States Trade Representative; Steve Swanson, The Swanson Group, Glendale, Oregon, on behalf of the Coalition for Fair Lumber Imports; Bill Kluting, Western Council of Industrial Workers, Monmouth, Oregon; and Barry Rutenberg, Barry Rutenberg Homes, Gainesville, Florida, on behalf of the National Association of Home Builders.

OLDER AMERICANS ACT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging met to discuss the reauthorization of the Older Americans Act, receiving testimony from Jo Reed, AARP, Howard Bedlin, National Council on Aging, Laura Howard, National Association of Nutrition and Aging Service Programs, Patrick Flood, National Association of State Union on Aging, Sany Markwood, National Association of Area Agencies on Aging, Karyne Jones, National Caucus and Center on Black Aged, Inc., Bob Blancato, Matz, Blancato and Associates, Inc., on behalf of the Elder Justice Coalition, Barbara B. Kennelly, Leadership Council of Aging Organizations, and George J. Kourpias, Alliance for Retired Americans, all of